

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RALPH NATALE, DAVID PEREZ,
DEMOS DEMOPOULOS, JEFFREY
ISAACS, KIRK CONWAY, and ROY KOHN
as TRUSTEES OF HEALTH FUND 917, and
HEALTH FUND 917,

ORDER ADOPTING R&R
15-CV-6788 (DRH)(GRB)

Plaintiffs,

-against-

IBERIA ROAD MARKINGS CORP.,

Defendant.

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HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated February 22, 2018, of Magistrate Judge Gary R. Brown recommending that the renewed motion of plaintiffs for a default judgment as to interest, liquidated damages and audit fees against defendant Iberia Road Markings Corp. be granted and that plaintiff be awarded additional damages in the amount of \$72,756.81, consisting of (1) \$30,908.97 in interest through March 15, 2017, (2) \$30,908.97 in liquidated damages, (3) \$10,680.00 in audit fees; and (4) 258.87 in costs. More than fourteen days have elapsed since service of the R&R and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result and adopts the February 22, 2018 Report and Recommendation of Judge Brown as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for a supplemental default judgment against defendant Iberia Road Markings Corp. be granted and that plaintiff be awarded additional damages in the amount of \$72,756.81, consisting of (1) \$30,908.97 in interest through March 15, 2017, (2) \$30,908.97 in liquidated damages, (3) \$10,680.00 in audit fees; and (4) 258.87 in costs. The Clerk of Court is directed to amend the default judgment entered on March 27, 2017 to reflect the additional award provided for herein and to enter said amended judgment.

Dated: Central Islip, N.Y.
March 20, 2018

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge